IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37455 of 2007(H)

PETITIONERS:

---

1. RAJENDRAN.P., S/O SANKARANKUTTY NAIR,
   AGED 50 YEARS, CHOLAKKAL HOUSE,
   PANTHEERANKAVU AMSOM, KODAL DESOM,
   OLAVANNA, PANTHEERANKAVU P.O.,
   KOZHIKODE.

2. E.P.KRISHNANKUTTY, S/O CHOYIKUTTY,
   AGED 55 YEARS, NUNIYIL MEETHAL HOUSE,
   PANTHEERANKAVU AMSOM, KODAL DESOM,
   OLAVANNA, PANTHEERANKAVU P.O.,
   KOZHIKODE.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS:

---

1. M/S IDEA MOBILE COMMUNICATION LTD.,
   SECOND FLOOR, MERCY ESTATE,
   RAVIPURAM, COCHIN 682015.
   REPRESENTED BY ITS SENIOR MANAGER(LEGAL),
   RAMACHANDRAN.C

2. THE SECRETARY,
   OLAVANNA GRAMA PANCHAYATH,
   KOZHIKODE DISTRICT.

R1 BY ADV. SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.37455 of 2007

- -

Dated: 19th December, 2007

JUDGMENT

Having regard to the submissions addressed at the Bar by Mr.P.R.Sreejith, counsel for the petitioners and Mr.Santhosh Mathew, Advocate who has taken notice on behalf of the 1st respondent and the documents (Exts.P1 to P3) placed on record by the petitioner, it is clear that the objections filed by the petitioners and other members of the local public is now under consideration by the Welfare Standing Committee of the 2nd respondent-Panchayat. Mr.Santhosh Mathew submits that Ext.P2 permit was issued way back in March, 2007 and presently he is not having any information as to what is the stage of construction. Counsel for the petitioners asserts that actual construction is yet to be taken up and only the ground clearing work is completed. Since the complaint submitted by the local public has been referred to the Welfare Standing Committee of the 2nd respondent-Panchayat, I dispose of the Writ Petition issuing the following directions:

The Olavanna Grama Panchayat is directed to take a final decision on the complaint submitted by the local public including the petitioners after hearing a representative of the persons who filed the

complaint before the Panchayat and a representative of the 1st respondent. It is open to the first respondent to bring to the notice of the Panchayat the judgment of this court in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** (2006(4) KLT 695) and any other relevant material. Decision as directed above will be taken at the earliest and at any rate within three weeks of receiving a copy of this judgment. Till such time as decision is taken on the complaint as directed above, the 1st respondent will not take up even installation works pursuant to Ext.P2. If the decision comes to be in favour of the 1st respondent, the 1st respondent will have the permission to go ahead with the construction as well as energisation.

srd **PIUS C.KURIAKOSE, JUDGE**